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CITY OF MORGAN HILL

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## PLANNING COMMISSION MEETING MINUTES

### REGULAR MEETING

JULY 10, 2001

**PRESENT:** Acevedo, Lyle, McMahon, Mueller, Sullivan, Weston

**ABSENT:** Benich

**LATE:** None

**STAFF:** City Attorney (CA) Leichter, (PM) Rowe, and Minutes Clerk Johnson.

Chair Sullivan called the meeting to order at 7:07 p.m.

### DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

### OPPORTUNITY FOR PUBLIC COMMENT

Chair Sullivan opened the public hearing.

With no persons present to address items not on the agenda, the public hearing was closed.

### MINUTES:

**JUNE 26, 2001**

**COMMISSIONERS MUELLER/McMAHON MOTIONED TO APPROVE THE JUNE 26, 2001 MINUTES WITH THE FOLLOWING AMENDMENTS:**

Page 5, paragraph 2: insert "Measure "P" before "issues", after "issues" insert "following the completion of the housing element".

Page 6, paragraph 5: change "item F" to "Standard Condition L7".

Page 7, Item 5: public hearing was continued, not closed

Page 7, Item 6: public hearing was continued, not closed

Page 8, Item 7: public hearing was continued, not closed

Page 9, paragraph 5: add to the end of the last sentence "with a minimum lot size of 9000 square feet"

Page 9, paragraph 5: change "that" to "to", "Action" to "Acton", change "as agreed by the City Council" to "as previously discussed by the City"

Council and Planning Commission"; delete ""be acquiesced"

Page 9, after paragraph 5, add: **COMMISSIONERS MUELLER/McMAHON OFFERED RESOLUTION NO. 01-37 WITH THE MODIFICATIONS AS NOTED DURING DISCUSSION. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSENT: NONE.**

**COMMISSIONERS MUELLER/McMAHON OFFERED RESOLUTION NO. 01-38 WITH THE MODIFICATIONS AS NOTED DURING DISCUSSION. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: ACEVEDO, BENICH, LYLE, MCMAHON, MUELLER, SULLIVAN, WESTON; NOES: NONE; ABSENT: NONE.**

**1. BROWN ACT &  
CONFLICT OF  
INTEREST  
PRESENTATION  
BY CITY  
ATTORNEY  
LEICHTER**

CA Leichter presented the history and highlights of a) the Brown Act and b) Conflict of Interest legislation as relates to the activities of the Commissioners. CA Leichter stressed the significance of ensuring the business of the Commission being conducted openly and with full disclosure to the Public. Speaking of the Fair Political Practices Commission (FPPC), she emphasized the importance of the Commissioners becoming familiar with the work of the FPPC, maximizing the knowledge and assistance available from that body. CA Leichter also underscored her willingness to work with individual Commissioners should questions regarding either the Brown Act or the Conflict of Interest laws.

Commissioners discussed with CA Leichter specific issues and concerns, to which she replied and explained specific items. CA Leichter presented information regarding conduct at/during meetings and violations/fines which might be levied. She told Commissioners that part of her job is to ensure that actions of the commission do not result in liability to the City and should questions arise, she can be reached for legislative clarification.

**2. MADRONE  
WATER TANK  
TOWER REPORT**

Commissioner Mueller stated that a request to clarify the signage on the Water Tower had been noted in a previous meeting. With his association(s) to the Historic Society and long-time residents of the community, Commissioner Mueller volunteered to look into the matter. He reported that he had just been able to reach Ken Cribari whose family had an early winery in the area and who would search family photographs for accuracy in the signage on the Tower. It is believed, Commissioner Mueller said, that the signage most clearly associated with the Tower is - or is close to: Cribari Winery...Finest Wine in Madrone. He noted that the settlement of the Madrone area dates to 1851 while Morgan Hill was incorporated in 1906, further stressing the importance of retaining Historical Value for the City and the entire area. Correction of omission: *Commissioner Mueller also indicated, for informational purposes, that the Water Tower was erected in 1935. During discussion Commissioner Weston requested PM Rowe to investigate whether, if any type of work were done on the structure, the Uniform Building Codes (UBC) would have to be met?*

Chair Sullivan opened the public hearing.

William B. "Bill" Minor, 18960 N. Monterey Rd., identified himself as the owner of the Tower. Responding to a prior question, he said there is "no way to evaluate the structural

soundness of the Tower unless it is torn down". Mr. Minor said he has employed engineers who believe the structure is sound and would fall straight down rather than fall over in time of emergency. Mr. Minor spoke of the planned 8-foot stone/wrought-iron fence which is being planned for the base of the Tower. He said the Tower is empty and has been for some years. Responding to a question from Commissioner Mueller, Mr. Minor said the Tower is insured for \$1,000,000 and would cost approximately \$280,000 to reconstruct at this time.

Gloria Parisean, 19055 Taylor Ave., is active with the Historical Society. She said she would like to suggest the importance of recognizing the Historical Madrone area, which could be done with clear identification/signage on the Tower.

Commissioners and PM Rowe discussed

- the painting done on the Tower (Mr. Minor said the color was his decision, but he tried to be compatible with the original color);
- the issues of signage being perceived as advertising and the relation of City ordinances to such signage; and
- the rights of private property owners to limit/control signage on structures such as the Tower

The potential of signage which might lead to confusion by visitors to the area was discussed, e.g., seeing Madrone on the Tower and having difficulty ascertaining the location of Morgan Hill.

PM Rowe noted that the painting of the Tower had been a condition of a recently issued use permit whereas the signage is voluntary. Commissioner McMahon said she would be hesitant to suggest signage to a private property owner; however she believes the action of the Commission should be a recommendation only.

Commissioner Mueller is to continue discussion with Ken Cribari regarding the signage on the Tower. Mr. Minor indicated willingness to continue working with the City on the matter.

With no other comments on the matter, the public hearing was closed.

**3. UPA-98-07:  
MONTEREY-  
IRISH  
CONSTRUCTION**

A request for approval to amend an existing conditional use permit to demolish an existing 2,000-sf office use within an 18,390-sf construction office and staging yard, and replace with a 3,976-sf office space. The subject site is located at the southeast corner of Monterey Road and Burnett Avenue.

PM Rowe stated that the right-of-way issues persist. He said there appears to be some conflict in when information was presented to Irish Construction regarding those issues, and that the applicant did not wish to lose the parking originally planned. Staff continues to recommend parking in the interior which might help alleviate the right-of-way problems.

Chair Sullivan opened the public hearing.

With no persons present to address the issue, the public hearing was continued.

Noting the continuing efforts at resolution of the issue, **COMMISSIONERS MUELLER/MCMAHON MOTIONED TO TABLE THE MATTER. THE MOTION CARRIED BY UNANIMOUS VOTE OF THE COMMISSIONERS PRESENT, WITH BENICH ABSENT.**

**4. ZA-00-21/ SD-00-19\DA-00-13:** A request for approval of a tentative map, zoning amendment and development agreement for a 5-lot subdivision on a 2.5-acre parcel located on the west side of Nina NINA LANE-SHAW Lane, north of Barrett Ave. and south of San Pedro Ave. in the R1-7000 RPD District.

PM Rowe reported the applicant has asked for continuance of this item due to issues of storm drainage not being yet resolved. He stated problems on this property are similar to those of the Nina Lane/Doan project which is near by. Additional engineering studies for both properties are necessary, PM Rowe said. Because of incorrect assumptions which were made at the beginning of the project resulting in faulty conclusions. Corrective actions on the calculations are being done by the Engineer at the present time.

Chair Sullivan opened the public hearing.

With no one wishing to speak to the issue, the public hearing was continued.

Considering the ongoing activities toward resolution of the problem, **COMMISSIONERS MUELLER/MCMAHON MOTIONED TO TABLE THE MATTER. THE MOTION CARRIED BY UNANIMOUS VOTE OF THE COMMISSIONERS PRESENT, WITH BENICH ABSENT.**

**5. APPOINTMENT TO BURROWING OWL STUDY ADVISORY COMMITTEE** PM Rowe gave a brief overview of the duties and appointment(s) to the Committee. Former Commissioner Ridner had been an appointee; with the vacation of his seat, a new appointment is necessary.

Chair Sullivan asked for volunteers. Commissioners present said that other obligations and desire to serve on other committees prohibited activity on this.

Following discussion, **Commissioners suggested appointing Commissioner Benich to the Burrowing Owl Study Advisory Committee, pending his acceptance. By consensus, this was agreed upon.**

**OTHER BUSINESS:** Commissioner Mueller questioned when the Commission can expect a report on unresolved issues of the conflict(s) in language/Initiative intent of Measure P? PM Rowe responded that figures from the Department of Finance have not yet been received. He indicated that the legal opinions requested by the Commissioners regarding the matter could be expected by the next meeting.

**ADJOURNMENT:** There being no further business, Chair Sullivan adjourned the meeting at 8:52 p.m.

**MINUTES RECORDED AND PREPARED BY:**

PLANNING COMMISSION MINUTES

JULY 10, 2001

PAGE -5-

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